

Message Text

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C O N F I D E N T I A L NASSAU 1694

EXDIS

E. O. 11652: GDS

TAGS: PFOR CPRS BF

SUBJ: EXTRADITION - ROBERT L. VESCO

REF: NASSAU 1692

1. EMBASSY CONTACTED WALLACE-WHITFIELD ON NOVEMBER 7 ABOUT REPRESENTING U.S. IN VESCO EXTRADITION. HE HAD ALREADY BEEN CONTACTED BY TELEPHONE BY A MR. MURPHY OF THE US ATTORNEY'S OFFICE IN NEW YORK AND SUBSEQUENTLY BY JAMES RAYHILL OF THE SAME OFFICE. WHITFIELD FELT WE ARE NOT GIVING HIM MUCH TIME TO PREPARE HIS CASE AND URGED THAT THE PERTINENT PAPERS BE GOTTEN TO HIM WITHOUT DELAY.

2. WHITFIELD WILL BE PLEASED TO HAVE CONSULTATION WITH JUSTICE DEPARTMENT EXPERTS ON FRAUD AND EXTRADITION. TIMING OF THEIR ARRIVAL IS CONTINGENT ON RECEIPT OF EXTRADITION DOCUMENTS WHICH WE UNDERSTAND WERE SENT YESTERDAY. IF THE DOCUMENTS ARRIVE TODAY, WALLACE-WHITFIELD WOULD LIKE THE JUSTICE ATTORNEYS HERE TOMORROW, NOVEMBER 9, SO THAT HE CAN CONSULT AND THEN HAVE THE WEEKEND TO PREPARE HIS CASE. (COMMENT: THE EMBASS IS STILL OF THE OPINION THAT ONE OF THE LAWYERS WHO IS COMING DOWN IN ANY EVENT SHOULD DEPART NOW WITH DOCUMENTS IN HAND, RATHER THAN LEAVE WALLACE-WHITFIELD AND THE USG CASE DEPENDENT UPON THE MAIL.)

3. ONE OF THE MAJOR ISSUES AT THE TRIAL MAY BE THE QUESTION OF THE VALIDITY OF THE US-UK EXTRADITION TREATY TO THE BAHAM-CONFIDENTIAL

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AS. THOUGH THE PRIME MINISTER NOTIFIED THE UNSYG THAT THE BAHAMAS WILL CONTINUE TO RECOGNIZE TREATY OBLIGATIONS, VESCO'S ATTORNEYS MAY CONTEND THAT THIS NOTIFICATION HAS NO BASIS IN BAHAMIAN LAW. WITH THIS IN MIND, CONSIDERATION MIGHT BE GIVEN

TO SENDING A LEGAL EXPERT ON TREATY SUCCESSION OR AT LEAST MATERIAL TO SUPPORT THE VIEW THAT THE GCOB HAS THROUGH NOTIFICATION UNDERTAKEN SOME SORT OF LEGAL RESPONSIBILITY.

4. AFTER STUDYING THE DOCUMENTS PROVIDED, WHITFIELD WILL DECIDE WHAT ADDITIONAL ASSISTANCE HE MAY NEED, I.E. A QUEEN'S COUNSEL. IF OUR CASE IS STRONG HE WILL GO IT ALONE, IF WEAK, AND HINGING ON INTRICATE QUESTIONS OF LEGAL INTERPRETATION, HE MIGHT ASK FOR A QC. (COMMENT: IMPORTATION OF A QC WOULD NOT BE REGARDED AS AN INSULT TO WALLACE-WHITFIELD'S CAPABILITIES. IT IS COMMON PRACTICE AMONG BAHAMIAN LAWYERS TO BRING IN ADDITIONAL COUNSEL FROM THE UK ON COMPLICATED CASES.)

5. PER DEPARTMENT'S REQUEST, WHITFIELD'S TELEPHONE NUMBER IS A/C 809 322-8780.

6. EMBASSY INFORMED THAT US ATTORNEY PAUL J. CURRAN, AND ASSISTANT JOHN LOWE ALSO ARE COMING TO NASSAU IN ADDITION TO THE EXPERTS MENTIONED ABOVE.

7. THE ABOVE SUGGESTS THERE WILL BE TWO CONTINGENTS OF LEGAL ADVISERS, ONE FROM NEW YORK AND ONE FROM WASHINGTON. IT IS ESSENTIAL THAT THEY ORGANIZE THEMSELVES AHEAD OF TIME SO THAT WALLACE-WHITFIELD KNOWS SPECIFICALLY WHO HIS US COUNTERPART/ ADVISER IS. UNTIL THEY ARRIVE, WE KNOW THAT WHITFIELD WOULD PREFER DEALING WITH ONE PERSON AT THE US ATTORNEY'S OFFICE BY PHONE RATHER THAN BEING CALLED BY DIFFERENT ATTORNEYS AS HAS HAPPENED. COMMENT: HIS OFFICE LOCATED DIRECTLY ABOVE THE EMBASSY OFFICES AND THUS ANY INSTRUCTIONS WHICH JUSTICE OR THE US ATTORNEY CONSIDER BEST NOT HANDLED BY TELEPHONE CAN BE GOTTEN TO HIM IMMEDIATELY UPON RECEIPT BY THE EMBASSY.
SPIERS

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<< END OF DOCUMENT >>

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